



COMMONWEALTH of VIRGINIA
Office of the Attorney General
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MEMORANDUM

TO: RICHARD MARTIN
Manager, Office of Legislative and Regulatory Affairs
Virginia Department of Social Services

FROM: USHA KODURU
Assistant Attorney General

DATE: August 16, 2004

**SUBJECT: Proposed Regulation concerning Reimbursement Procedures within the
Auxiliary Grants Program**

I am in receipt of the attached proposed regulation concerning the clarification of reimbursement procedures within the Auxiliary Grants Program. You have asked the Office of the Attorney General to review and determine if the State Board of Social Services has the legal authority to promulgate the proposed regulation and to identify any federal or state mandates regarding this regulation.

Based on my review, the State Board of Social Services pursuant to Va. Code § 63.2-217 and § 63.2-800, has the authority to promulgate these amendments. These amendments are necessary to bring the regulation into compliance with the Code of Virginia and to insure that the Auxiliary Grant services are provided in a consistent manner in the local departments of social services.

The authority for this proposed regulation derives from federal regulation, specifically 20 C.F.R. § 416.2001 which allows for state supplementary payments to a recipient of supplemental security income benefits or to an individual who would be eligible for such benefits except for income.

Richard Martin
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If you have any questions, please contact me at 225-2741.